

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,)	
<i>ex rel.</i> PAUL CAIRNS, et al.)	
)	
Plaintiffs,)	
)	Case No. 1:12-CV-00004-LPR
v.)	
)	
D.S. MEDICAL, LLC, et al.,)	
)	
Defendants.)	
_____)	

JOINT STATEMENT REGARDING SETTLEMENT

The United States and Defendants, pursuant to the instructions provided by the Court on March 10, 2023, provide the following update:

On March 15, 2023, the parties executed a settlement agreement resolving the False Claims Act (FCA) claims that are currently set for trial in April, as well as the common law claims that remain at issue in the above-captioned matter. This agreement was signed by the United States, Defendants and their counsel, and Relators and their counsel. Paragraph 7 of the signed settlement agreement states “Relators and their heirs, successors, attorneys, agents, and assigns shall not object to this Agreement but agree and confirm that this Agreement is fair, adequate, and reasonable under all the circumstances, pursuant to 31 U.S.C. § 3730(c)(2)(B).”

Once Defendants make the initial payment as contemplated by the settlement agreement, the Parties will file a joint stipulation of dismissal of the FCA and common law causes of action. That dismissal will request the Court retain jurisdiction over the matter of the share of the settlement payment that Relators are entitled to receive, pursuant to 31 U.S.C. § 3730(d)(1), and the disposition of Relators’ request for attorney’s fees and costs, pursuant to 31 U.S.C.

§ 3730(d)(1). Neither of these remaining issues need to be tried to a jury. Nor do either of these issues require the Court to resolve any of the motions currently pending before it.

Respectfully submitted,

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Principal Deputy Assistant Attorney General

CARRIE COSTANTIN
Attorney for the United States of America
Acting Under Authority
Conferred by 28 U.S.C. § 515

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Certificate of Service

The undersigned hereby certifies that on March 15, 2023, a copy of the foregoing was filed electronically via this Court's CM/ECF system, and therefore served on all parties of record.

/s/ Joshua M. Jones

JOSHUA M. JONES

Assistant United States Attorney